

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Hotwire Communications, LLC for a
Certificate of Public Convenience and Necessity to
Provide Local Exchange and Interexchange
Telecommunications Services Throughout South
Carolina

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2007 - - C

(Please type or print)

Submitted by: John J. Pringle, Jr.

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)

- ☐ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☒ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other:

NATURE OF ACTION (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer | <input checked="" type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

Print Form

Reset Form

ELLIS:LAWHORNE

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September 18, 2007

FILED ELECTRONICALLY AND HAND-DELIVERY

The Honorable Charles L.A. Terreni
Chief Clerk
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211

RE: Application of Hotwire Communications, Ltd. for a Certificate of Public Convenience and Necessity to Provide Local Exchange and Interexchange Telecommunications Services throughout South Carolina
Docket No. 2007-___-C, Our File No. 1295-11425

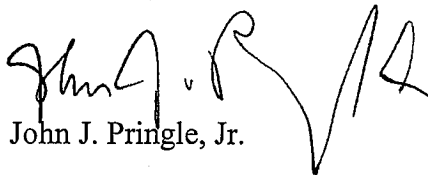
Dear Mr. Terreni:

Enclosed is the original and one (1) copy of the **Motion for Protective Treatment and Basis for Filing Exhibit 4 as Trade Secret** filed on behalf of Hotwire Communications, LLC in the above-referenced matter. The financial statements are from Hotwire's ultimate owner, Michael Karp, and they are unaudited and subject to change. Hotwire hereby requests confidential treatment of these financial statements.

Please acknowledge your receipt of this document by file-stamping the copy of this letter enclosed, and returning it in the enclosed envelope.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,



John J. Pringle, Jr.

JJP/cr

cc: Office of Regulatory Staff Legal Department
Adam B. Weinstein, Esquire
Harry N. Malone/Danielle C. Burt, Esquire

Enclosures

THIS DOCUMENT IS AN EXACT DUPLICATE OF THE E-FILED COPY SUBMITTED TO THE COMMISSION IN ACCORDANCE WITH ITS ELECTRONIC FILING INSTRUCTIONS.

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2007-___-C

IN RE:)	
)	
Application of Hotwire)	MOTION FOR PROTECTIVE
Communications, Ltd. to Provide Local)	TREATMENT AND
Exchange and Interexchange)	BASIS FOR FILING EXHIBIT 4 AS TRADE
Telecommunications Services)	SECRET
Throughout South Carolina)	

Hotwire Communications, Ltd. ("Hotwire" or "Applicant"), by counsel, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and S.C Code Ann. Regs 103-804(S)(2), hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, Hotwire seeks protective treatment by the South Carolina Public Service Commission ("Commission") of certain commercially-sensitive financial information attached as Exhibit 4, filed as Trade Secret to Hotwire's Application for Authority to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services. Because this Motion is an inseparable part of Hotwire's Application, it is being filed concurrently therewith.

In support of this Motion, Applicant provides the following:

In support of its application, Hotwire respectfully submits as follows:

1. The legal name, address, telephone and fax number of the Applicant are:

Hotwire Communications, Ltd.
300 East Lancaster Avenue, Suite 208
Wynnewood PA 19096
Telephone: (610) 642-9812
Facsimile: (610) 642-9812

2. All correspondence, notices, inquiries, and other communications regarding this Motion should be addressed to:

John J. Pringle
Ellis, Lawhorne & Sims, P.A.
1501 Main Street, 5th Floor
Columbia, SC 29202
Telephone: (803) 343-1270
Fax: (803) 799-8479

with copies to:

Danielle Burt
Bingham McCutcheon, LLP
2020 K Street, NW
Washington DC 20006
Telephone: (202) 373-6000
Facsimile: (202) 373-6001

I. Description of Confidential Information

The Application requires Hotwire to disclose evidence of its financial ability to provide service by submitting documentation of its financial resources. Pursuant to this requirement, Hotwire is submitting a copy of the most recent financial statements of its ultimate owner. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate and substantial harm to Hotwire's competitive position in South Carolina and in other states where Hotwire is currently doing business.

II. Grounds for Claim of Confidentiality

The financial information submitted by Hotwire in Exhibit 4 of its Application fits squarely within the definition of a "trade secret" under the South Carolina Trade Secrets Act.¹ As a privately-held company, Hotwire's financial qualifications are not readily

¹ A "trade secret" is defined in S.C. Code § 39-8-20(5)(a) as information that "(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable

ascertainable. Hotwire currently has no legal obligation to prepare or submit projected financial statements, or to report any financial information to a public entity. Further, the unavailability of this information derives independent economic value for Hotwire because the disclosure of such information would harm Hotwire's ability to compete in the provision of advanced telecommunications services in South Carolina. Hotwire is not a public entity and its financial and business information is uniquely sensitive.

Hotwire takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and Hotwire takes reasonable steps to guard this information internally as well. Its disclosure is limited to Hotwire's senior officers, Hotwire's counsel and employees of the company who are directly involved with Hotwire's financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped "confidential" and is accompanied by formal requests to maintain the confidentiality of the information and to withhold it from public disclosure.

Hotwire clarifies that its request for protection applies only to the financial information contained in Exhibit 4 to the Application. Hotwire is not seeking protection of any type by means of this Motion for those reports Hotwire will be required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, or the Universal Service Fund Worksheet.

by proper means by the public...and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

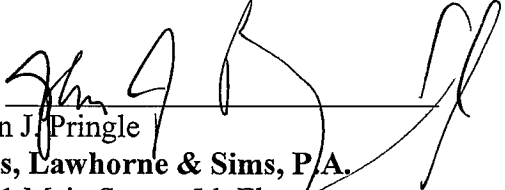
III. Conclusion

The financial information included in support of Hotwire's Application, for which confidential treatment is requested, is both proprietary and competitively sensitive. Hotwire would suffer substantial direct harm if such information is made publicly available. The harm that would result from public disclosure of Hotwire's financial information is real and not speculative. Moreover, to date, no other jurisdiction has required Hotwire to make its financial information publicly available. For the foregoing reasons, the financial information included in Exhibit 4 should be protected from public disclosure by the Commission.

WHEREFORE, Hotwire respectfully requests that the information contained in Exhibit 4 of Hotwire's Application for a Certificate of Public Convenience and Necessity be ruled exempt from public disclosure and provided confidential treatment in accordance with S.C. Code Ann. § 39-8-10, *et seq.*

Respectfully submitted,

HOTWIRE COMMUNICATIONS, LTD.

By: 
John J. Pringle
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(803) 343-1270

Danielle Burt
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2020 K Street, NW
Washington DC 20006

Dated: September 18, 2007
Columbia, South Carolina